

415, as amended, be reported favorably with recommendation that it do pass and be printed.

Senator Holbrook moved as substitute that S. B. No. 415, as amended, be reported unfavorably with recommendation that it do not pass.

Substitute motion lost by the following vote: yeas, Holbrook; nays, Cotten, DeBerry, Pace, Sulak, Westfeld and Woodruff.

S. B. No. 415, as amended, reported favorably by viva voce vote.

On motion of Senator DeBerry, H. B. No. 176 was set for special order at next regular meeting, Thursday, April 18th at 4:00 o'clock p. m.

H. B. No. 312 reported favorably by viva voce vote.

S. B. No. 399 reported favorably by viva voce vote.

ANNA MAY CULLEN,
Secretary.

FIFTIETH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 17, 1935.

The Senate met at 10 o'clock a. m. pursuant to recess and was called to order by President Pro Tem K. M. Regan.

House Bill No. 327.

Pending business was H. B. No. 327, Committee Amendment No. 9.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following message:

Executive Office,
Austin, Texas, April 17, 1935.
To the Members of the Forty-fourth Legislature:

My attention has been directed to the present situation of Senate Bills 114 and 189, and House Bills 89, 736, 743, 749, 755 and 785. These bills, if enacted into law, I am informed by those best able to form an estimate, will bring in additional revenue of Seventeen Million, Five Hundred Thousand Dollars (\$17,500,000.00) a year. With the exception of House Bill 785, which imposes tax on liquor sales permitted by existing prohibition laws, none of

them levy additional taxes. The purpose of all of them is to stop the tax leaks existing in present tax laws.

It is unfair to leave these loopholes and have law-abiding citizens pay these taxes and the guilty escape.

Only the near approach of the close of this session and the desire of all of us to balance the budget impels me to suggest and request of the House and Senate that if in your good judgment this should be done, that a concurrent resolution be passed, suspending the rules of the House and Senate so as to permit the respective Houses to take up and pass these bills Wednesday and Thursday, thereby insuring the final enactment of these measures into laws.

I am reliably informed that they are non-controversial measures to a large extent, and in view of the large revenue they should bring to the State, I feel both of your honorable bodies will give special attention to them and take no chance on failing to get this additional revenue. Your cooperation will be greatly appreciated.

Respectfully submitted,
WALTER F. WOODRUFF,
Acting Governor of Texas.

Read.

S. C. R. No. 41.

Senator Poage sent up the following resolution:

Whereas, One J. M. Walker of Falls County, Texas, was required by the State of Texas to pay to the State of Texas the sum of \$2,915.45, principal, interest and costs of court, as surety upon a bail bond for one, Will Mitchell, under indictment in District Court of Falls County, Texas, for a felony, and, whereas, at the time said forfeiture was taken by the State and at the time of the collection of the money by the State from said J. M. Walker, the said principal, Will Mitchell was dead and incapable of making his appearance before said court as called for in said bond; and,

Whereas, Said fact of such death was at said time unknown to both the State and J. M. Walker, and was not ascertained for several years thereafter; and,

Whereas, Said J. M. Walker has presented his claim against the State of Texas for said sum of money so paid to the State by said Walker, with interest thereon at the legal

rate, and, whereas, a question has arisen as to the liability of the State upon said claim, and, whereas, it is the sense of this Legislature that no citizen of this State who claims to have a valid and just claim against the State of Texas shall be deprived of the opportunity to establish or enforce such claim through the courts of this State where it can be promptly tried and determined; therefore, be it

Resolved, by the Senate and the House of Representatives concurring, That said J. M. Walker, his heirs or assigns be and they are hereby granted permission to file suit against the State of Texas upon said claim in the District Court of Travis County, and that service of such suit may be had upon the Attorney General of this State, or waived by him, the State to be represented in such trial by the Attorney General or by the county attorney of Falls County acting under the direction of the Attorney General of this State.

POAGE.

Read.

Senator Poage moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 41 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 41 was adopted by viva voce vote.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which the Conference Committee report on S. B. No. 361 was adopted.

Motion pending.

House Bill No. 392.

Senator Burns was recognized and asked unanimous consent to take up out of regular order H. B. No. 392.

Unanimous consent was granted.

The Chair laid before the Senate on second reading:

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to

the extent provided in this Act, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

Senator Burns asked unanimous consent to amend the caption to conform to the body of the bill.

Consent was granted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 392 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Van Zandt.
Sanderford.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Van Zandt.
Sanderford.	

Senate Bill No. 361.

The question recurred on the motion to reconsider the vote by which the Conference Committee report on S. B. No. 361 was adopted.

The motion prevailed by the following vote:

Yeas—10.

Collie.	Oneal.
Cotten.	Rawlings.
DeBerry.	Sulak.
Holbrook.	Westerfeld.
Moore.	Woodruff.

Nays—8.

Beck.	Hornsby.
Burns.	Neal.
Duggan.	Regan.
Hopkins.	Stone.

Present—Not Voting.

Blackert.	Redditt.
Hill.	Small.
Poage.	

Absent.

Davis.	Pace.
Martin.	Shivers.

Absent—Excused.

Fellbaum.	Van Zandt.
Sanderford.	

Motion to Recommit.

Senator Woodruff moved to recommit the conference report on S. B. No. 361 to the Conference Committee for further consideration.

The motion prevailed by viva voce vote.

House Bill No. 327.

Pending business was H. B. No. 327.

Committee Amendment No. 9.

Amend H. B. No. 327, Section 21, by omitting entirely the paragraph beginning with the words "The State Board of Education—" at the bottom of page 17.

Read and adopted.

Committee Amendment No. 10.

Amend H. B. No. 327, Section 7, page 6, by eliminating the words "seventy-five (75) cents" and inserting in lieu thereof the words "One (\$1.00) Dollar."

Read and adopted.

Senator Duggan sent up the following amendment:

Amend H. B. No. 327, page 7, by eliminating entirely Section 22a.

DUGGAN.

Read and adopted.

Committee Amendment No. 11 was withdrawn by unanimous consent.

Senator Poage sent up the following amendment:

Amend H. B. No. 327, Section 10, page 4, line 19, by adding at the end of said section the following:

"It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatta Indian Reservation near Livingston, provided the aid so granted shall not exceed the per capita tuition charged other schools transferred high school pupils by the high schools affected hereby."

BURNS.

POAGE.

Read and adopted.

Committee Amendment No. 4.

The question recurred on Committee Amendment No. 4 and the pending substitute by Senator Poage on which Senator DeBerry had raised the following point of order:

Point of Order.

Mr. President, I raise the following point of order against the substitute by Senator Poage and the committee amendment No. 4 to H. B. No. 327, which violates Section 36 of Article 3 of the Constitution in that it attempts to amend numerous statutes by reference. This amendment would amend the cigarette tax statute and many others because it would attempt to reduce the amount of revenue now allocated to the available school fund under those statutes.

Section 36 of Article 3 reads as follows:

"Section 36. No law shall be revived or amended by reference to its title; but in such case the Act revived, or the section or sections amended, shall be re-enacted and published at length."

Court of Civil Appeals in the case of State Bank of Barksdale versus Cloudt, 258 S. W. 248, says as follows:

"There is no constitutional inhibition of the repeal of the law by reference to its title." This section requiring an act to be revived or amended to be published at length, but applicable only to revival or the amendment of a statute and not to its repeal.

The Chair, Senator Rawlings presiding, stated in ruling on the point of order:

"It is clear that amendment No. 4, sent up by Senator Poage has the effect of amending and changing some of the tax statutes which direct the dispositions of revenue and under Section 36, Article 3, of the Constitution I do not think we can amend the statutes by reference and therefore the point of order is sustained."

Senator Poage then sent up the following:

Amend Section 1 of H. B. No. 327, page 3, line 8, by striking out the words "General Revenue Fund" and by inserting in lieu thereof the following:

"Educational Equalization Fund," and by adding at the end of said Section 1, the following:

"It is hereby declared to be the intent of the Legislature to provide funds for the support of the public schools of this State sufficient to pay a per capita apportionment of \$16.50 and an equalization payment of five million dollars per year.

"It is further declared to be the intent of the Legislature to provide that the General Revenue funds of this State shall make up any deficit arising in either the State Available School Fund or Educational Equalization Fund by reason of a lack of revenue with which to pay a per capita apportionment of \$16.50 per year and payments to schools out of the Educational Equalization Fund of five million dollars per year, therefore:

"The Comptroller of Public Accounts and the Treasurer of the State of Texas are hereby authorized and it shall be their duty to set up a fund to be known as the Educational Equalization Fund. All funds derived from taxes, licenses and fees which under the present statutes are now being placed to the credit of the State Available School Fund, and which are not expressly required to be placed in said fund by the Consti-

tution of this State shall on and after September 1st, 1935, be placed in the Educational Equalization Fund.

"It shall be the duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on September 1st, 1936, and on September 1st, 1937, from the Educational Equalization Fund hereby established an amount of money sufficient, when added to the funds paid into the State Available School Fund by reason of the constitutional requirement to provide a per capita apportionment of \$16.50 per scholastic for the preceding fiscal year, and if on either of such dates there should not be in said Educational Equalization Fund sufficient money to provide such per capita, then any balance necessary to bring such per capita to the sum of \$16.50 shall be transferred out of the General Revenue Fund of this State and the Comptroller of Public Accounts, and the Treasurer are hereby authorized and instructed to transfer such sum, and it shall be the duty of the State Superintendent of Public Instruction to certify to the Comptroller of Public Accounts on or before the 1st day of August, 1936, and on or before the 1st day of August, 1937, the number of such scholastics for said fiscal year, and the apportionment above mentioned shall be based upon such number of scholastics.

"It shall be the further duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on the last day of each calendar month during the biennium beginning September 1st, 1935, from the General Revenue Fund of this State such sums of money as may on each of such dates be necessary when added to the funds paid into the Educational Equalization Fund during the preceding portion of each fiscal year to make a sum sufficient in such Educational Equalization Fund to pay all outstanding warrants against said fund not exceeding five million dollars for each fiscal year ending on the 31st day of August 1936 and 1937, respectively."

Amend Poage amendment by adding the following:

Amend Section 1, Chapter 12, Acts of the Forty-third Legislature, First Called Session, by repealing all of

sub-sections 7 thereof, and amend Section 2, Chapter 74, of the Acts of the Forty-first Legislature Fifth Called Session, by repealing all of said Section 2, and amend Acts of the Forty-second Legislature, Chapter 73, Section 13, as amended by the Acts of the Forty-third Legislature, First Called Session, Chapter 90, so as to hereafter read as follows:

"Sec. 13. It shall be the duty of the State Treasurer to have engraved or printed the stamps of the proper denomination necessary to comply with this Act and to sell the same to all manufacturers or dealers upon demand and payment therefor, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design as the State Treasurer shall from time to time prescribe, and shall state the amount of tax, the payment of which is evidenced thereby and shall contain the words: 'Texas State Tax Paid.'"

And amend Chapter 211, Section 1, Acts of the Forty-second Legislature as amended so as to hereafter read as follows:

"40A. Sulphur producers.—Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to seventy-five cents (75c) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the be-

ginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiply the quotient by ninety, and multiplying the product by Seventy-five cents (75c). Said tax shall be in lieu of the tax imposed by H. B. No. 2, Chapter 74, Acts of the Fifth Called Session of the Forty-first Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act."

Amend by repealing all of Section 8, Chapter 116, Acts of the Forty-third Legislature.

And amend Acts of the Forty-third Legislature, First Called Session, Chapter 90, Section 4, by repealing the last sub-section thereof.

POAGE.

Read and pending.

Motion to Recess.

Senator Davis at 12 o'clock m. moved that the Senate recess until 2 o'clock p. m.

Motion pending.

Senator Shivers was recognized and asked unanimous consent to suspend the regular order of business and take up a local bill. There was objection.

Recess.

The motion to recess prevailed by viva voce vote.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by President Pro Tem K. M. Regan.

At Ease.

On motion of Senator Hornsby, the Senate, stood at ease for 10 minutes to allow the Committee on Agriculture to finish their hearing of important bills.

Called to Order.

The Chair, Senator Rawlings presiding, called the Senate to order at 2:10 o'clock p. m.

House Bill No. 327.

Pending business was H. B. No. 327, and the pending amendment by Senator Poage.

Senator Woodruff sent up the following substitute:

Amend H. B. No. 327 by substituting for the pending amendment by the Senator from McLennan County, the following:

The State Board of Education is hereby directed, and its duty shall be, to set apart annually for the years 1935-1936 and 1936-1937 out of the available school fund a sufficient amount of money to provide free text books for the use of school children attending the public free schools of this State, and to apportion for each of said years the sum of Sixteen Dollars and Fifty Cents (\$16.50) per scholastic capita according to the census enumeration for each of said years, respectively.

The sums hereinabove appropriated for the purpose of equalizing educational opportunity, for vocational education, and for vocational rehabilitation, shall be payable out of any revenues accruing to the fund for the benefit of the public free schools of this State.

In the event that there are insufficient revenues accruing to the credit of the available school fund and to the fund for the benefit of the public free schools of this State from the various sources as now provided by law, then and in that event there is hereby appropriated from the general fund out of any moneys not otherwise appropriated a sum sufficient when added to the available school fund and to the fund for the benefit of the public free schools of this State, to equal the amount which the State Board shall find to be necessary to make the foregoing allocations.

WOODRUFF.

Read and pending.

Point of Order.

Senator DeBerry raised the point of order.

Mr. President, I raise the following point of order against the sub-

stitute by Senator Woodruff to H. B. No. 327, which violates Section 36 of Article 3 of the Constitution in that it attempts to amend numerous statutes by reference. This amendment would amend the cigarette tax statute and many others because it would attempt to reduce the amount of revenue now allocated to the available school fund under those statutes.

Section 36 of Article 3 reads as follows:

"Section 36. No law shall be revised or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length."

Court of Civil Appeals in the case of State Bank of Barksdale versus Cloudt, 258 S. W. 248, says as follows:

"There is no constitutional inhibition of the repeal of the law by reference to its title." This section requiring an act to be revived or amended to be published at length, but applicable only to revival or the amendment of a statute and not to its repeal.

The Chair, President Pro Tem K. M. Regan sustained the point of order.

H. C. R. No. 83.

Senator Redditt asked unanimous consent to suspend the regular order of business, to take up H. C. R. No. 83. There was objection.

Senator DeBerry withdrew his objection.

The Chair laid before the Senate H. C. R. No. 83, "Suspending Joint Rules 23, 24 and 32 to allow the consideration and final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785."

Senator Redditt moved that the Senate rule requiring resolutions to be referred to a Committee be suspended, and that H. C. R. No. 83, be taken up and considered at this time.

H. C. R. No. 83 was adopted by viva voce vote.

House Bill No. 327.**Motion to Table.**

Senator Burns moved to table the pending amendment by Senator Poage. The motion prevailed by the following vote:

Yeas—17.

Blackert.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Sulak.
Holbrook.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—8.

Beck.	Poage.
Collie.	Redditt.
Hornsby.	Small.
Martin.	Stone.

Absent.

Davis.

Absent—Excused.

Fellbaum.	Sanderford.
Hodkins.	Van Zandt.

Senator Woodruff sent up the following:

Amend H. B. No. 327 by inserting the following:

There is hereby apportioned for each of the scholastic years 1935-1936 and 1936-1937 the sum of \$16.50 per pupil enumerated by the scholastic census in accordance with law, same to be paid out of the available school fund.

The sums hereinabove provided for shall be appropriable, and payable out of the available school fund; provided, that if there shall be insufficient amounts in said Available School Fund to pay either or both of the foregoing amounts, then there is hereby appropriated out of the General Fund not otherwise appropriated to be credited by the Comptroller and Treasurer to the Available School Fund an amount sufficient when added thereto shall make such Available School Fund equal the sum hereinabove appropriated.

WOODRUFF.

Read.

Point of Order.

Senator Burns raised the point of order that the amendment was the same in substance as the amendment sent up previously by Senator Woodruff and which had been ruled out of order.

The Chair, President Pro Tem K. M. Regan, sustained the point of order.

Senator Sulak sent up the following:

Amend Section 6 of H. B. No. 327 by striking out all after the word "tax" in line 29, and the words "Fund for bonds" in line 30, and all after the word "district" in line 31, all of line 32, and the words "for bonds" in line 33.

SULAK.

Read.

Motion to Table.

Senator Duggan moved to table the amendment.

The motion to table lost by the following vote:

Yeas—6.

Davis.	Poage.
DeBerry.	Redditt.
Duggan.	Woodruff.

Nays—17.

Blackert.	Neal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	

Absent.

Beck.	Small.
Hopkins.	Stone.
Oneal.	

Absent—Excused.

Fellbaum.	Van Zandt.
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The amendment was adopted by viva voce vote.

Senator Poage sent up the following amendment:

Amend H. B. No. 327, Section 2 as amended so as to hereafter read as follows:

Sec. 2. (Scholastic population of district) aid under the provisions of this act shall be distributed on a basis of need subject to the qualifications hereinafter set forth and may be distributed for the purpose of assisting any needy school district of

not fewer than twenty (20) scholars.

POAGE.

Read and pending.

Senate Bill No. 146.

Senator Beck was recognized for a privileged motion—and moved that the Senate do not concur in House amendments to S. B. No. 146, and that a conference committee be appointed to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair, President Pro Tem K. M. Regan, appointed the following conferees on the part of the Senate to S. B. No. 146: Senators Beck, Collie, Poage, Rawlings and Martin.

House Bill No. 327.

The question recurred on the pending amendment by Senator Poage.

Point of Order.

Senator DeBerry raised the point of order that the amendment was identical to Committee Amendment No. 1 which was tabled by the Senate on Monday.

The Chair, President Pro Tem K. M. Regan sustained the point of order.

Motion to Reconsider.

Senator Collie moved to reconsider the vote by which Committee Amendment No. 1 was tabled.

Points of Order.

Senator DeBerry raised the point of order that the motion to table is final.

The Chair sustained the point of order.

Senator DeBerry raised the point of order that the Senator from McClennan was arguing on a point of order that had already been decided.

The Chair sustained the point of order.

Senator Moore sent up the following amendment:

Amend H. B. No. 327 by adding a new section, to be known as Section 1a, reading as follows:

"Sec. 1a. Out of said \$5,000,000.00, there shall be paid the sum of \$35,000 into the equalization fund of any county having such a fund."

MOORE.

Read and adopted.

Senator Shivers sent up the following amendment:

Amend H. B. No. 327, page 3, line 59, Section 8, by adding:

"Provided that in setting such schedule of teachers' salaries the State Superintendent of Public Instruction and the State Board of Education shall take into consideration the economic conditions surrounding each school."

SHIVERS.

Read and adopted.

Senator Shivers sent up the following amendment:

Amend H. B. No. 327, Section 10, page 4, line 14, by adding after the word "month" the following:

"Provided that all schools transporting high school students to affiliated high schools by order of the County Board of Education shall not be denied the aid should their salary scale not conform to the salary scale as set up by the Board of Education."

SHIVERS.

Read.

Motion to Table.

Senator Duggan moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Hornsby.
Collie.	Neal.
Davis.	Pace.
DeBerry.	Poage.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Woodruff.

Nays—11.

Blackert.	Redditt.
Burns.	Shivers.
Cotten.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Rawlings.	

Absent.

Hopkins.	Small.
Oneal.	

Absent—Excused.

Fellbaum.	Van Zandt.
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Senator Poage sent up the following:

Amend Section 2 of H. B. No. 327 so as to hereafter read as follows:

"Sec. 2. (Scholastic Population of District.) Aid under the provisions of this Act shall be distributed on a basis of need to school districts and shall be distributed in such a way as to provide aid to all school districts of not fewer than nineteen (19) scholastics."

POAGE.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment.

The motion to table lost by the following vote:

Yeas—8.

Beck.	Hill.
Burns.	Pace.
Davis.	Westerfeld.
DeBerry.	Woodruff.

Nays—16.

Blackert.	Neal.
Collie.	Poage.
Cotten.	Rawlings.
Duggan.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Moore.	Sulak.

Absent.

Holbrook.	Small.
Oneal.	Stone.

Absent—Excused.

Fellbaum.	Van Zandt.
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The amendment was adopted by viva voce vote.

Senator Duggan asked unanimous consent to amend the caption to conform to the body of the bill.

Unanimous consent was granted.

The bill was read second time as amended and passed to third reading by viva voce vote.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 327 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Blackert.
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Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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House Bill No. 11.

Senator Westerfeld sent up the following Conference Committee report on H. B. No. 11:

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Walter F. Woodul, President of the Senate,

and

Hon. Coke Stevenson, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 11, the Centennial Bill, report that we have considered the same and recommend that it do pass in the form hereto attached.

WESTERFELD,
RAWLINGS,
ONEAL.

On part of the Senate.

STINSON,
HOSKINS,
MORSE,
HARTZOG.

On part of the House.

H. B. No. 11.

A BILL
To Be Entitled

An Act making appropriation of funds to be expended for the purpose of creating and conducting celebrations commemorating the historic period of Texas history, celebrating a century of independence and progress, and other purposes incident thereto; said celebrations to be held during the period beginning May 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeals such parts of such former Act as are in conflict with it; providing that the Texas Centennial Central Exposition, a corporation, shall by written contract with the Commission of Control assume the payment of the One Hundred Thousand (\$100,000) Dollars advanced to the Centennial Commission under said former Act out of ten per cent (10%) of the first gross receipts received by said Texas Centennial Central Exposition; providing for the creation of the Commission of Control of Texas Centennial celebrations, and providing for the manner of appointment of the members thereof; and providing for the powers and duties of such Commission; delegating to such Commission the authority to determine where Centennial celebrations may be held, and giving such Commission supervisory authority over such celebrations; defining "celebrations"; and providing that local communities where such celebrations are to be conducted may be required to contribute funds; creating the Advisory Board of Texas Historians, and prescribing the powers and duties thereof; creating an Advisory Board for Advertising, and prescribing the powers and duties thereof; providing that all expenditures of funds shall be under the control and supervision of the Board of Control of the State of Texas; providing that the Attor-

ney General shall approve the title to land acquired by lease or purchase; providing that all funds expended under the terms of this Act shall be drawn from the State Treasury by warrants signed by the Comptroller of Public Accounts and the Treasurer of the State of Texas; providing that wages paid under this Act shall be controlled as far as practicable by the provisions of Chapter 45, Acts of the Regular Session of the Forty-third Legislature, and that on construction work, the Board of Control shall require as far as practicable the use of Texas labor and materials; that all permanent buildings erected in the City of Dallas upon the site of the Central Exposition shall be constructed in accordance with plans and specifications approved by the Texas Centennial Central Exposition, a corporation; providing for the use, possession, and occupancy of such buildings, the lease thereof to the City of Dallas, and the rental to be paid therefor; requiring such buildings to be protected by fire and tornado insurance; providing that the funds appropriated by the terms of the Act shall not be available until the Commission of Control for Centennial celebrations has filed with the Comptroller a resolution approving plans for the Central Celebration at Dallas; preventing the switching of funds from one allocation to another, and prohibiting the expenditure of such funds for salaries or expenses for envoys outside of continental North America; limiting salaries to Five Thousand (\$5,000) Dollars per year; making it unlawful for any member of the Texas Centennial Commission, the Commission of Control of Texas Centennial Celebrations, or any member of any advisory board to charge, receive, or claim, directly or indirectly, fees, commissions, retainers, or brokerage out of any fund or funds appropriated by the Act; precluding any such persons from having any interest in any lands, materials, concessions, or contracts sold to or made with the Centennial Commission, Commission of Control, or the Centennial Commission advisory boards, or any individual or any committee represented by any member of said commissions or boards; providing for an audit of

expenditures of the One Hundred Thousand (\$100,000) Dollars heretofore appropriated to the Centennial Commission, and the allocation of the unexpended balance thereof to the Board of Control to be used in paying administrative expenses; authorizing the Commission of Control to employ such technical advisors, secretaries, and other employees necessary to carry out the provisions of this Act; providing for the filling of vacancies on the Commission of Control, the Advisory Board of Texas Historians, and the Advisory Board for Advertising; requiring seventy-five (75) per cent of the net receipts of the Texas Centennial Central Exposition at Dallas to be paid into the Treasury of the State of Texas for the benefit of the General Fund, such receipts not to exceed Three Million (\$3,000,000) Dollars; defining "net receipts"; giving the Board of Control authority to make independent audits of all of the operations and affairs of the Texas Centennial Central Exposition, a corporation; providing for joint meetings of the Texas Centennial Commission and the Commission of Control; authorizing and directing the Commission of Control for Texas Centennial Celebrations to make immediate application to the Federal Government for additional appropriations or allocation of Federal funds to be expended for the purposes enumerated in the Act; providing for a saving clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Three Million Dollars (\$3,000,000) be and the same is hereby appropriated out of the general revenue fund of the State of Texas not otherwise appropriated, to be expended for the purpose of creating and conducting celebrations commemorating the heroic period of early Texas history, and celebrating a century of the independence and progress of Texas as a Republic and State, and for the other purposes incident thereto as herein provided. Said celebrations are to be held during the period beginning May 1, 1935, and ending December 31, 1936. The funds thus appropriated are allocated as follows:

Item Number One.

(1) The sum of One Million Dollars (\$1,000,000), or so much thereof as may be necessary, shall be used for the purpose of erecting exposition buildings upon the site of the Centennial Central Exposition in the City of Dallas.

Item Number Two.

(1) The sum of Two Hundred Thousand Dollars (\$200,000), or so much thereof as may be necessary, shall be used to equip and furnish such buildings.

Item Number Three.

(1) The sum of Two Hundred Twenty-five Thousand Dollars (\$225,000), or so much thereof as may be necessary, is hereby appropriated and allocated to be used in gathering and preparing materials for exhibits of natural and civic history, such as constitute usual exhibits in museums of natural history and history; and for furnishing and equipping the Texas Memorial Museum building. Such exhibits are to be displayed in the Texas Memorial Museum, funds for the construction of which are to be secured by donations from individuals, public and private agencies, gifts and subscriptions. The raising of said funds with which to construct said museum building is to be sponsored by the Texas Centennial Committee of the American Legion of the State of Texas, which building is to cost approximately Seven Hundred Fifty Thousand (\$750,000) Dollars when completed, and is to be located on the campus of the University of Texas in the City of Austin. And the Board of Regents of the University of Texas is hereby constituted the Board of Directors of the Museum and as such shall have complete authority over the same, including the expenditure of the sum herein appropriated and allocated for the purposes above mentioned; provided, however, that not more than ten (10) per cent of the sum herein appropriated shall be expended for promotional and administrative expenses; provided further, however, the expenditure of the money herein appropriated shall be on vouchers properly approved by the Chairman of the Board of Regents and attested by the Secretary of said Board, and such approval shall be

sufficient authority for the Comptroller of Public Accounts to draw a warrant in payment of any claim properly approved by the Board of Regents of the University of Texas against this appropriation, and shall be in accordance with the general provisions of law covering the issuance and payment of vouchers by the Comptroller and Treasurer, respectively, of the State of Texas. Said museum is to be a part of the Texas Centennial celebrations and expositions provided for in this Act.

Item Number Four.

(1) The sum of Five Hundred Thousand Dollars (\$500,000), or so much thereof as may be necessary, shall be used to conduct a State and National publicity and advertising campaign in behalf of all Texas relative to said Centennial during the period beginning May 1, 1935, and ending December 31, 1936.

Item Number Five.

(1) The sum of One Million and Seventy-five Dollars (\$1,075,000), (and such other sums as may be re-allocated to this fund under the terms and provisions of Section 14 of this Act), or so much thereof as may be necessary, shall be used to defray the expenses, or the portion thereof above the amount of local funds contributed, or facilities furnished, of Centennial celebrations and expositions, as that term is hereinafter broadly defined, outside of the County of Dallas and within the State of Texas.

(2) The Commission of Control may expend an appropriate amount of the sum herein allocated in Item Five for the purpose of erecting at some suitable place in Texas to be selected by the said Commission, a memorial to the pioneer womanhood of this State.

Sec. 2. This Act shall be supplemental to the Act passed by the Second Called Session of the Forty-third Legislature, creating a Texas Centennial Commission and cumulative thereof, except that such parts of said creating Act as are in direct conflict with the provisions of this Act are hereby specifically repealed and superseded; provided this Act does not repeal the requirement in the Act of the Second Called Session, Forty-third Legislature, requiring the Texas Centennial Commission to repay to the State of Texas the One

Hundred Thousand Dollars (\$100,000) appropriated in said Act creating said Commission; provided, however, that the Texas Centennial Central Exposition, a corporation, shall legally assume and agree to repay to the State of Texas all of said sum of One Hundred Thousand Dollars (\$100,000), hereinbefore referred to, out of ten per cent of the first gross receipts reported to and received by the said Texas Centennial Central Exposition, a corporation, and for the purpose of said assumption shall enter into a written contract by and between said Texas Central Exposition Corporation and the Commission of Control and the Board of Control of the State of Texas; and the funds appropriated herein for said Central Exposition shall not be available unless and until such contract or legal assumption shall have been made and executed on the part of said corporation, as hereinbefore provided.

Sec. 3. There is hereby created a Commission of Control for Texas Centennial celebrations to be composed of eight members, of which the Lieutenant Governor of the State of Texas shall be a member and chairman; and the Speaker of the House of Representatives shall be a member and vice-chairman; of the remaining six (6) members, the Governor shall appoint two (2), the Lieutenant Governor two (2) and the Speaker of the House of Representatives two (2), (such appointees) shall be confirmed by a two-thirds (2/3) vote of the Senate of Texas present. The duties of the Commission of Control for Texas Centennial celebrations shall be to approve in writing plans for Centennial celebrations herein provided and to approve in writing the allocation of such sums of money as are necessary for the carrying out of their recommendations. Said Commission of Control is authorized to perform all other duties necessary to carry out the provisions and purposes of this Act.

Sec. 4. Centennial celebrations shall be held at such places as said Commission of Control for Texas Centennial celebrations shall determine. The authority to make such determination is hereby delegated to said Commission. Said Commission, in passing upon the application of any locality for a celebration, shall take into consideration whether such

locality has such historical significance as will justify the holding of such celebration, and also such locality's accessibility and local facilities and financial ability to contribute local funds. Within the term "celebration" as used in this Act with reference to all places except the City of Dallas, is included the following: the placing of suitable markers, memorials or buildings at places where historic events occurred; the restoring of all or parts of old houses, forts, Indian villages, and other old structures connected with the history of the territory now embraced within the State of Texas; the placing of monuments to early patriots of Texas; the purchasing of suitable tracts of land where necessary for an approved celebration; and the staging of pageants at appropriate places; expositions in the recognition of the basic industries and their historical significance in the progress and growth of Texas; provided that in the matter of celebrations as herein defined above the said Commission may require or accept a contribution by each local community, which may be substantial and proportionate to the amount allowed by the Commission; provided further that in requiring such contributions in the matter of celebrations the said Commission may take into consideration the amounts already expended by each local community in preserving its historical spots and facilities for such celebrations and expositions; provided, however, that the Commission of Control shall not have authority to compel contributions or matching of funds for the placing of markers, the construction of memorials or buildings, the erection of monuments, or other permanent improvements, but may accept contributions for such purposes from the community applying for such celebration. The Commission may within its discretion require the matching or contribution of funds to pay the cost of pageants and similar celebrations.

Sec. 5. (1) There is hereby created an Advisory Board of Texas Historians to be selected by the Commission of Control, consisting of three (3) members, whose duty it shall be to investigate and report upon and make recommendations to the said Commission of Control as to the authenticity of the claims for Centennial celebrations and expositions, as that term is hereinbefore

defined, of the various places which shall apply to said Commission therefor, and as to the relative merits of such claims, and as to the kind and character of celebration or exposition, as that term is hereinbefore defined, if any, to which each such place so applying should be entitled, and as to the advisability of all the various expenditures proposed by said applicant or contemplated by said Commission of Control. In all cases the Commission of Control shall have final decision and jurisdiction in the matter of the above celebrations and observances and the expenditures relative thereto. The Advisory Board of Historians shall receive and consider every application made for a celebration and must seek the advice and cooperation of the local Centennial Advisory Board of the county from which application is made. It shall be the duty of the Advisory Board of Texas Historians after investigation to make a written report and recommendation upon each application to the Commission of Control for Centennial Celebrations. Duplicate copies of these reports shall be filed in the office of the Secretary of State and shall be open during office hours for public inspection. The Advisory Board of Texas Historians shall receive no compensation. The Centennial Commission of Control shall have authority to remove any member of such Board. The headquarters of the Advisory Board of Texas Historians shall be in Austin, Texas. The reasonably necessary expenses incurred in the performance of the duties of such advisory board shall be authorized by the Commission of Control, and paid out of the funds hereinafter allocated to the Board of Control for administrative expenses.

(2) There is hereby created an Advisory Board for Advertising, which shall consist of three (3) members to be appointed by the Commission of Control. The members of said advertising board shall be men of experience and training in various fields of State and National publicity and advertising. The Commission of Control shall have the authority to remove any member of such board. It shall be the duty of said advertising board to formulate a program of State and National publicity and advertising and recommend in writing the same to the Commission of Control, but such

recommendations shall be advisory only. The Advisory Board of Advertising shall receive no compensation. The reasonably necessary expenses incurred in the performance of its duties shall be authorized by the Commission of Control, and shall be paid out of the funds hereinafter allocated to the Board of Control for administrative purposes.

Sec. 6. All expenditures and contracts authorized by the Commission of Control shall be made, let, supervised and expended by the Board of Control of the State of Texas, according to all legal requirements now provided as to the expenditure of funds and the letting of contracts by said Board of Control.

Sec. 7. The Commission of Control and the Board of Control of the State of Texas are hereby prohibited from contracting for the purchase or acquirement by lease or otherwise of real estate unless and until the deeds, records, and all other necessary legal documents incident thereto have been approved by the Attorney General of the State of Texas, as now provided by law.

Sec. 8. All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State of Texas, as is now provided by law.

Sec. 9. On all permanent buildings or projects constructed with funds appropriated by this Act the provisions of Chapter 45, Acts of the Regular Session of the Forty-third Legislature, so far as practicable, shall apply to wages paid.

Sec. 10. In the employment of laborers and artisans in all construction work to be paid for out of the funds appropriated under the terms of this Act, the Board of Control shall provide that the work shall be done with Texas labor and materials as far as practicable. The other cities of Texas shall not be discriminated against in favor of Dallas.

Sec. 11. All permanent buildings to be erected in the City of Dallas for the Central Exposition erected out of funds hereby appropriated shall be upon the site of the Centennial Central Exposition in the City of Dallas in accordance with plans and specifications approved by the Texas Centennial Central Exposi-

tion, and on land the title to which shall be in the State of Texas. The Texas Centennial Central Exposition shall have the right to, possession of, and the free use and occupancy of the said buildings for the duration of the Central Exposition; provided, however, that the aforesaid buildings and the land on which they will be situated are hereby leased by the State of Texas to the City of Dallas for a period of twenty (20) years, commencing at the termination of the Central Exposition, at a rental of One Hundred (\$100) Dollars per year for said buildings, payable annually in advance. During the term of such lease said buildings shall be used for public purposes, including annual State Expositions, and shall not be maintained or operated for purposes of private profit; there shall be no charge imposed upon any exhibitor in any of said buildings for exhibit space, and there shall be no admission charge for entrance into buildings erected out of State funds. The cost of an adequate amount of fire and tornado insurance covering said buildings, and the reasonable cost of maintenance of said buildings, shall be paid by the Texas Centennial Central Exposition, a corporation, until the termination of said Central Exposition. From and after that date, the cost of such insurance and such maintenance shall be borne by the aforesaid lessee, being the City of Dallas.

Sec. 12. In no event shall the funds herein provided be available unless and until the Commission of Control for Centennial Celebrations has filed with the Comptroller of the State of Texas a resolution approving the plans of the Texas Centennial Central Exposition for the central celebration at Dallas, and certifying further that said Central Exposition has the ability and intention in good faith to carry out said plans.

Sec. 13. The amount of money allocated to any community by the Commission of Control for a celebration, as that term is herein defined, shall also cover the expenses incident to such celebration or project, and no additional expense money or funds for any other purpose shall be allowed thereafter in addition to the allocation thus made.

Sec. 14. No part of any one of

the allocations of said funds as provided in this Act shall at any time be used for the purposes of any other one or more of said funds; provided, however, that any unexpended balance remaining out of any collection made, after the Board of Control has complied with the recommendations of the Commission of Control or any specific expenditure shall be re-allocated to Item Number Five, of Section 1, of this Act, and shall be available for expenditure for the purposes therein named.

Sec. 15. No part of the funds herein appropriated shall be expended for salary or expenses, directly or otherwise, for envoys outside of continental North America; provided no part of the funds under Items Nos. 3 and 5 shall be used for envoys anywhere.

Sec. 16. No person shall receive as salary, commission, or compensation out of said State funds herein appropriated more than Five Thousand (\$5,000) Dollars per year.

Sec. 17. It shall be unlawful for any member of the Texas Centennial Commission, the Commission of Control for Texas Centennial Celebrations, or any member of any advisory board provided for herein to charge, receive, or obtain, directly or indirectly, any fee, commission, retainer, or brokerage, out of any fund or funds hereby appropriated, or by reason of any expenditure of such fund or funds; and no member of the Centennial Commission, the Commission of Control, or any advisory board provided for herein, shall have any interest in any land, materials, concessions, or contracts sold to or made with either the Centennial Commission, the Commission of Control, or the Centennial Commission advisory boards, or any individual or committee represented by any member of said Centennial Commission, Commission of Control, or Advisory Boards. Violation of any of the provisions of this Section shall be a misdemeanor, and, upon conviction, punishment shall be by removal from such Commission, Commission of Control, or advisory board, and by fine of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars, or by confinement in the county jail for any time not to exceed six (6) months, or by both such fine and imprisonment.

Sec. 18. To provide funds for the administration of this Act, the Board of Control of the State of Texas immediately upon the taking effect of this Act shall cause to be made an audit of the expenditures of the Texas Centennial Commission out of the One Hundred Thousand (\$100,000) Dollars heretofore appropriated to the Centennial Commission. The unexpended portion of said funds are hereby appropriated to the said Board of Control as an expense fund for the administration of the duties imposed on said Board of Control by this Act; and such funds are hereby made available for the said Board of Control for such purposes. One Hundred (\$100) Dollars a month is authorized to be paid to each member of the Board of Control from the first day of the calendar month after the effective date of this Act until August 31, 1936, as compensation for the additional duties imposed under this Act. This compensation is to be paid by warrants drawn by the Comptroller of the State of Texas at the end of each month. This limitation as to the date for which this compensation is to be paid shall not be construed as a limitation of the time during which the Board of Control shall perform the duties prescribed under this Act.

Sec. 19. The Commission of Control is hereby authorized to employ such technical advisers, secretaries, and other employees as in their judgment may be found necessary, subject to the provisions of this Act and the other laws of Texas. Funds for the payment of such employees shall be made available by the Board of Control out of the fund for administrative expense above provided for on written request of the Commission of Control. The reasonably necessary expenses of the members of the Commission of Control in performing their duties under this Act are hereby authorized and shall be paid on proper requisition to the Board of Control; provided, however, that in no event shall the Commission of Control request the expenditure of more than Twenty-five Thousand (\$25,000) Dollars for such purposes.

Sec. 20. Vacancies arising on the Commission of Control shall be filled by the authority first making the appointment under this Act. Vacan-

cies on the Advisory Board of Texas Historians and on the Advisory Board for Advertising shall be filled by the Commission of Control.

Sec. 21. Seventy-five (75) per cent of the net receipts received from all sources by the Texas Centennial Central Exposition at Dallas, after paying all debts of said exposition, including the corporation bond issue which shall never exceed Two Million Five Hundred Thousand (\$3,000,000) Dollars; said payment provided in the corporation's trust indenture, shall be paid into the Treasury of the State of Texas for the benefit of the General Fund; provided, however, out of such net receipts the Texas Centennial Central Exposition shall not be required to pay into the State Treasury more than Three Million (\$3,000,000) Dollars; said payment into the State Treasury shall be made within six (6) months after the official closing of the Central Exposition at Dallas. By net receipts is meant all profits arising from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The said Central Exposition corporation shall keep an accurate record of all receipts received as a result of said Centennial celebration and of all expenditures, and within six (6) months from the official closing of said exposition said corporation shall cause to be furnished and filed with the Treasurer of the State of Texas a certified public audit showing the complete condition of the affairs of said corporation; and said report shall be accompanied by a certified check for an amount equal to seventy-five per cent of the net receipts limited, however, to a total of Three Million (\$3,000,000) Dollars; and the Board of Control of the State of Texas shall have the authority to have a complete independent audit made of all of the operations and affairs of the Central Exposition corporation.

Sec. 22. The Commission of Control is hereby directed immediately upon the passage of this Act to request the President of the Texas Centennial Commission to call a meeting of the Texas Centennial Commission at such time and place as he may designate. The Commis-

sion of Control is authorized and directed to attend said meeting for the purpose of discussing a program for the Centennial celebrations, and to receive information and records now available from the Centennial Commission. The Commission of Control is further authorized, when in their judgment a meeting with the Texas Centennial Commission would be to the best interest of Centennial celebrations in Texas, to request the President of the Texas Centennial Commission to call such meeting; provided, however, that there shall be at least one such meeting during each four months period until the expiration of this Act. The reasonably necessary expenses of the members of the Texas Centennial Commission in attending these meetings called by the President shall be paid out of the funds provided in Section 2 hereof, and in the manner herein above provided.

Sec. 23. The Commission of Control for Texas Centennial celebrations is hereby authorized and directed immediately after the passage of this Act to make formal application for the participation of the Federal Government in the Texas Centennial celebrations through proper channels and for adequate appropriation or allocation of Federal funds for that purpose. Any funds so received, unless otherwise directed by the Federal Government, shall be under the direction and control of the said Commission of Control to be expended under the provisions of this Act controlling the expenditures of the moneys herein appropriated; provided, however, that at least thirty-five (35) per cent of any such funds shall be added to the fund for local celebrations as set forth in Item Number Five, of Section 1, and expended by the Commission for such purposes. The Board of Regents of the University of Texas is hereby given authority to apply to the Federal Government, or any agency thereof, and to receive from the Government or such agencies, funds to be expended in erecting and completing the Texas Memorial Museum and/or securing material for exhibits to be displayed therein.

Sec. 24. It is understood and expressly provided that should any section, clause, or provision of this Act be hereafter held invalid for

any reason, such invalidity shall not in any way affect any other provision of this Act.

Sec. 25. The fact that a very brief time now remains to prepare for the holding of a Texas Centennial celebration on a scale commensurate with the glorious history of our State, the patriotism of our people, and the progress of the past century, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senators Excused.

Senator Sanderford was excused on account of important business, on motion of Senator Pace. Senator Van Zandt was excused on account of important business, on motion of Senator Sulak.

Bills and Resolutions Signed.

The Chair, President Pro Tem K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 388.	S. B. No. 324.
S. B. No. 457.	S. B. No. 26.
S. B. No. 366.	S. B. No. 135.
H. B. No. 444.	S. C. R. No. 35.
S. B. No. 46.	S. C. R. No. 37.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 17, 1935.
Hon. Ken M. Regan, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference report on S. B. No. 361, by a vote of 105 yeas and 11 nays.

The House has adopted the Conference Committee Report on House

Bill No. 424, by a vote of 114 yeas, 3 noes.

The House has passed the following bill:

S. B. No. 26, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98, of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said Court, and for extension of time for submission of cases in said Court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 17, 1935.

Hon. Ken M. Regan, President Pro-tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 83, suspending Joint Rules 23, 24 and 32 to allow the consideration and final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 17, 1935.

Hon. Ken M. Regan, President Pro-tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 19, A bill to be entitled "An Act requiring the filing of all leases, assignment of leases or releases of oil or gas under any school or asylum land in which the State has a reservation of minerals in the General Land Office of Texas within

thirty (30) days after the execution thereof; providing that no such lease, assignment of lease or release of any school or asylum land in which the State has a reservation of minerals shall be effective until filed in the General Land Office, etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act authorizing counties, municipalities, political subdivisions and taxing districts to sell to the Reconstruction Finance Corporation, or any other governmental agency, at less than par, and/or to compromise or adjust bonds held by it by selling and/or exchanging the same to the Reconstruction Finance Corporation, or any other governmental agency, at an agreed price which may be less than par, and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act amending Article 2956 by adding thereto another section, Article 2956a, providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentees, may vote under Article 2956; providing that persons who are ill, aged or decrepit, and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place, etc., and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act to provide for attendance of rural pupils or of other pupils in high schools at the expense of their home districts and of the State; for certification of eligibility of pupils and districts for tuition privileges in the high schools, etc., and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of six (6) years in the County of Robertson, in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said county for a period of six (6) years; providing a penalty therefor, and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act authorizing commissioners courts of certain counties to allow

Stephen F. Austin Teachers College to act as depository of certain historical documents and permitting the librarian and archivist of said college to give certified copies thereof, and declaring an emergency."

H. B. No. 600, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Smith County for the purpose of taking any fur-bearing animals for a period of two years; repealing all laws, in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act amending Article 7328, Revised Civil Statutes of 1925, as amended, Acts of 1927, Fortieth Legislature, First Called Session, providing for the purchase by the State in certain instances of lands sold for the payment of taxes; amending Article 2613, Revised Civil Statutes of 1925, withdrawing all forest lands from the market and providing for a system of State forest lands, the management and control thereof, and defining forest lands, etc., and declaring an emergency."

H. B. No. 807, A bill to be entitled "An Act authorizing two or more independent school districts to consolidate their tax assessing and collecting and legal departments and appoint one and the same person to assess and collect their taxes who shall have the same authority and perform the same duties with respect to assessing and collecting the school taxes as the county assessor and collector, and fix said compensation therefor, etc., and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes, 1925, as amended by Chapter 66, House Bill No. 122, of the General and Special Laws of the Forty-third Legislature, Second Called Session, page 146; providing a new article of said Title 26 to be hereafter known as Article 930-b of said Title 26 of the Revised Civil Statutes of Texas, which Article 930-b shall provide that, where prior to March 15, 1934, the effective date of said House Bill No. 122 of said Second Called Session of the Forty-third Legislature, any person or persons, copartnership, corporation, concern, or associations had purchased

a body or tract of land for cemetery purposes or for any of the purposes expressed in said Title 26, and had, prior to said March 15, 1934, entered into written obligations or contracts to use said land for such purpose contemplated by said Title 26 for cemetery purposes or having executed and/or sold, prior to said date, stock subscriptions or other instruments in writing evidencing such intention to use said land or lands for cemetery purposes, etc., and declaring an emergency."

H. B. No. 828, A bill to be entitled "An act amending Article 7257 of the Revised Civil Statutes of 1925, providing additional duties of the tax assessor and collector, requiring an entry upon the tax rolls when payment of taxes have been made; providing for a seal for this office, and prescribing that such entry shall be taken as evidence of the payment of said tax; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act prohibiting the transportation by any one person at any one time of more than one hundred twenty-five (125) minnows taken from the waters of Falls County, Texas, beyond the borders of such county; providing a penalty; and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act making it an offense for any person to forge the name of any agent, officer or employe of the Railroad Commission of Texas to a permit or tender of the Railroad Commission of Texas relating to crude petroleum oil or natural gas or any product or by-product of either; making it an offense for any person to forge the name of any other person to such a tender or permit; making it an offense for any person to knowingly use such a forged instrument to induce another to handle or transport any crude petroleum oil or natural gas or any product or by-product of either; etc., and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of Texas, 1925, by adding a new section, to be known as 95-b, to provide for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing and dyeing cloth-

ing and other materials, and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act creating a conservation and reclamation district, to be known as 'Lower Rio Grande Flood Control District,' pursuant to and for the purposes set forth in Section 59, of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage its property, or levy taxes or assessments, or to pledge the credit of the State; etc., and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing, or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, and declaring an emergency."

H. B. No. 915, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Montgomery County except a seine or net of not less than three-inch square mesh during certain months; excepting a minnow seine from provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act to exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12-b of the Federal Reserve Act, as amended, and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

The House has concurred in Senate Amendments to H. B. No. 521, by a vote of 122 yeas and 1 nay.

S. B. No. 146, A bill to be entitled "An Act to create the Department of Public Safety of the State of Texas; and the Public Safety Commission; providing for the appointment of members of the Public Safety Commission, and for the organization of the Commission and of the Department; providing for the transfer of the Texas Ranger Force from the Adjutant General's Department to the Department of Public Safety; providing for the transfer of the State Highway Motor Patrol of Texas from the State Highway Department to the Department of Public Safety; creating divisions and bureaus within the said Department; defining the powers, duties and functions of the Commission and the Department, and its various divisions and bureaus and coordinating them; providing for the cooperation of the State-owned education institutions, and all State officers and departments, and all county and municipal law enforcement officers and agencies with the department; providing personnel, buildings, equipment, and appropriations for the department; fixing the terms of office, methods of appointment, promotion, reduction, suspension and discharge of the officers and employees of the department; providing for the transfer of pending business; providing for the Governor of the State of Texas to command the department in times of public emergency; providing for the issuance of commissions to all law enforcement members of the department; repealing all laws and parts of laws in conflict herewith, and appropriating moneys to put this Act into force and effect; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and for other purposes; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 19 was referred to the Committee on Public Lands and Land Office.

H. B. No. 68 was referred to the Committee on Towns and City Corporations.

H. B. No. 70 was referred to the Committee on State Affairs.

H. B. No. 158 was referred to the Committee on Educational Affairs.

H. B. No. 377 was referred to the Committee on Game and Fish.

H. B. No. 580 was referred to the Committee on Educational Affairs.

H. B. No. 600 was referred to the Committee on Game and Fish.

H. B. No. 603 was referred to the Committee on Public Lands and Land Office.

H. B. No. 807 was referred to the Committee on Educational Affairs.

H. B. No. 820 was referred to the Committee on State Affairs.

H. B. No. 828 was referred to the Committee on State Affairs.

H. B. No. 847 was referred to the Committee on Game and Fish.

H. B. No. 862 was referred to the Committee on State Affairs.

H. B. No. 866 was referred to the Committee on State Affairs.

H. B. No. 867 was referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 883 was referred to the Committee on Towns and City Corporations.

H. B. No. 912 was referred to the Committee on Game and Fish.

H. B. No. 915 was referred to the Committee on Game and Fish.

H. B. No. 928 was referred to the Committee on Banking.

H. B. No. 936 was referred to the Committee on Game and Fish.

Communication.

Austin, Texas, April 17, 1935.

To the Senate:

Whereas, It now appears that I, K. M. Regan, as President Pro Tempore of the Senate, may have the high honor and distinction of serving briefly as Acting Governor during the temporary absence from the State of both the Governor and Lieutenant Governor and shall necessarily be absent from the Senate during that short period; and,

Whereas, It becomes my duty to designate a member of this Senate to perform the duties of the President Pro Tempore of the Senate during my absence; now,

Therefore, And in view of the fact that the Honorable Frank H. Rawlings has been occupying the Chair during the greater part of the past two days, I hereby nominate and appoint the Honorable Frank H. Rawl-

ings to act in my place and stead as President Pro Tempore of the Senate during the brief period of absence from the State of the Lieutenant Governor.

Respectfully,

K. M. REGAN,

President Pro Tempore of the Senate.

House Bill No. 779.

Senator Shivers moved that the Senate grant the request of the House that H. B. No. 779 be recommitteed to the same Conference Committee for further consideration.

The motion prevailed by viva voce vote.

Motion to Suspend Rule.

Senator Neal received unanimous consent to suspend the regular order and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—3.

Collie.	Poage.
Holbrook.	

Absent—Excused.

Fellbaum.	Van Zandt.
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Senate Bill No. 507.

By Senator Neal (by request):

S. B. No. 507, A bill to be entitled "An Act to provide for the creation of the

Judicial District of Texas, and the office of judge and court reporter thereof, to be composed of the counties of Cameron and Willacy and to be called the General District Court of Cameron and Willacy Counties; defining its jurisdiction, giving it all original and appellate jurisdiction conferred upon district

courts of general jurisdiction in this State, original concurrent jurisdiction with the justice courts and county courts of said counties and with the County Court of Cameron County at Law, and appellate jurisdiction with the county courts of said two counties and with the County Court of Cameron County at Law, etc., and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

House Bill No. 685.

Senator Regan asked unanimous consent to suspend the regular order and take up H. B. No. 685.

The Chair laid before the Senate on second reading:

H. B. No. 685, A bill to be entitled "An Act providing for the extension of the 'Rio Grande Compact,' and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 685 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Davis.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Hopkins.
Cotten.	Hornsby.

Martin.	Regan.
Moore.	Sanderford.
Neal.	Shivers.
Oneal.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Nays—2.

DeBerry. Holbrook.

Absent—Excused.

Fellbaum. Van Zandt.

House Bill No. 304.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 304.

The Chair laid before the Senate on second reading:

By Mr. Roane:

H. B. No. 304, A bill to be entitled "An Act relating to marks and brands of livestock in Fort Bend County only, requiring that each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, shall, within six months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 304 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Van Zandt.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Van Zandt.

House Bill No. 697.

Senator Shivers received unanimous consent to suspend the regular order and take up H. B. No. 697.

The Chair laid before the Senate:

H. B. No. 697, A bill to be entitled "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right-of-way for State Highway No. 3, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 697 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Sulak.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—2.

DeBerry.	Poage.
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Absent—Excused.

Fellbaum.	Van Zandt.
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H. C. R. No. 77.

Senator Redditt received unanimous consent to suspend the regular order of business and take up:

H. C. R. No. 77, Authorizing the Live Stock Sanitary Commission to use any moneys remaining in the appropriation made by S. B. No. 10, Chapter 35, Acts of the Second Called Session of the Forty-first Legislature, for the purpose of tick eradication.

H. C. R. No. 77 was adopted by viva voce vote.

H. C. R. No. 51.

Senator Moore received unanimous consent to suspend the regular order of business and take up:

H. C. R. No. 51, A concurrent resolution "Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to sue the State of Texas."

H. C. R. No. 51 was adopted by viva voce vote.

House Bill No. 831.

Senator Pace received unanimous consent to take up out of regular order H. B. No. 831.

The Chair laid before the Senate on second reading:

By Mr. Cooper:

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 831 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.

Pace.	Shivers.
Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Motion to Suspend Rule.

Senator DeBerry received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Senate Bill No. 508.

By Senator DeBerry.

S. B. No. 508, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Read and referred to the Committee on State Affairs.

House Bill No. 589.

Senator Oneal received unanimous consent to suspend the regular or-

der of business and take up H. B. No. 589.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harris:

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county, etc., and declaring an emergency."

On motion of Senator Oneal, the rule requiring bills to be printed and lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 589 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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H. C. R. No. 79.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up H. C. R. No. 79.

H. C. R. No. 79, Granting Dr. C. R. Miller permission to bring suit against the State of Texas and/or the State Highway Department of Texas for personal damages.

H. C. R. No. 79 was adopted by viva voce vote.

Motion to Adjourn.

Senator Hill at 5:55 o'clock p. m. moved that the Senate adjourn until 9:30 o'clock a. m. Thursday.

Senator Stone moved that the Senate adjourn until 10:00 o'clock a. m. Thursday.

Adjournment.

The motion to adjourn until 10:00 o'clock a. m. Thursday prevailed by viva voce vote.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 476 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 324 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, April 17, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 135 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, April 17, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 26 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 17, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 40,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 17, 1935.
Hon. K. M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

H. B. No. 743, A bill to be entitled
"An Act amending Article 1104,
Article 1103, Article 1106 and Ar-
ticle 1111 of the Penal Code, and
declaring an emergency."

Have had same under considera-
tion, and I am instructed to report
it back to the Senate with the recom-
mendation that it do pass, and be
printed.

STONE, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Education, to whom was referred
House Bill No. 104,

Have had same under considera-
tion and beg leave to report back to
the Senate that it do pass and be
printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 17, 1935.
Hon. K. M. Regan, President Pro
Tempore of the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred Senate
Bill No. 501, creating the Texas Na-
tional Guard Armory Board, defining
its personnel and the duties and
functions of said Board, making an
appropriation and declaring an emer-
gency.

Have had the same under con-
sideration, and I am instructed to
report same back to the Senate with
recommendation that it do not pass,
but that the committee substitute
for said bill do pass and be printed
in lieu of the original bill.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. K. M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred House
Bill No. 780, making appropriations
for the support and maintenance of
the executive and administrative de-
partments of the State Government
for the biennium ending August 31,
1937,

Have had the same under consid-
eration; and I am instructed to re-
port it back to the Senate with the
recommendation that it do not pass
but that the Committee substitute
for said Bill do pass and be not
printed, said substitute being identi-
cal with the Committee substitute for
Senate Bill No. 34, which has been
printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. Frank H. Rawlings, President
Pro Tempore of the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred

H. B. No. 266, A bill to be entitled
"An Act declaring the policy of the
State with reference to the preserva-
tion of the natural resources and
protection of the rights of owners
of gas producing properties; defining
certain terms used in this Bill; etc.,
and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation it do not pass but
pass with the committee substitute
in lieu thereof and that the com-
mittee substitute only be printed in
bill form.

PACE, Chairman.

Committee Room,
Austin, Texas, April 16, 1935.
Hon. Frank H. Rawlings, President
Pro Tempore of the Senate.

Sir: We, your Committee on
State Affairs, to whom was re-re-
ferred

H. B. No. 65, A bill to be entitled
"An Act amending Article 1119 of
the Revised Civil Statutes of Texas,
of 1925, so as to make its provisions
apply to all incorporated cities or
towns incorporated under the Gen-
eral Laws of the State of Texas and
so as to extend the regulatory power
of such cities and towns to persons,
companies, or corporations coming
within the provisions of said Article
to an amount not exceeding a fair
return upon the fair value of the
property used and useful in render-
ing service to the public; etc., and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation it do pass as
amended by committee amendments
Nos. 1 and 2 and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 65 by adding after sub-section 5, page 2, a new section, as Section 2a, to be known as Article 1121a, to read as follows:

"Article 1121a. The provisions of this Act with reference to reports shall be applicable to telephone companies when, and only when, requests are made for said reports by the governing body of said city or town and shall be made within a period of 90 days after request. All penalties provided in Article 1122, of the Revised Civil Statutes for failure to make reports shall apply to telephone companies refusing to make reports."

Committee Amendment No. 2.

Amend House Bill No. 65, Section 1, in line 46 between the words "Charged" and "by" by inserting the following:

"for domestic purposes"

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Frank H. Rawlings, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 168, A bill to be entitled "An Act regulating and controlling representation in legislative matters in the practice of influencing legislation by personal contact; prescribing limitations of such activities and outlining procedure for same; and further prohibiting any person from influencing or seeking to influence, the vote of any member of the House of Representatives or Senate by promising to, withholding or withdrawing from, any person employment or appointment to any position; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. K. M. Regan, President Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 501, creating the Texas National Guard Armory Board, de-

fining its personnel and the duties and functions of said Board, making an appropriation and declaring an emergency.

Have had the same under consideration, and I am instructed to report same back to the Senate with recommendation that it do not pass, but that the committee substitute for said bill do pass and be printed in lieu of the original bill.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 79, A concurrent resolution "Granting permit to Dr. C. R. Miller for permission to bring suit against the State of Texas and/or the State Highway Department of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 70, A concurrent resolution "Granting to T. G. Allen of Navarro County permission to maintain a suit against the State Highway Commission of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs Held April 16, 1935.

Regular Meeting and Called Meeting.

Present: Pace, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Martin, Moore, Oneal, Rawlings, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Blackert, Fellbaum, Regan.

S. B. No. 168 was reported favorably by viva voce vote with the recommendation it be printed.

H. B. No. 65 was reported favorably, as amended by committee amendments Nos. 1 and 2, by viva voce vote with the recommendation it be printed.

H. B. No. 266 was reported adversely but that it pass with committee substitute in lieu thereof, and the committee substitute, as amended by committee amendment No. 1, only be printed in bill form.

H. B. No. 581 was referred to a sub-committee.

REEVES, Secretary.

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
April 18, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Senator Rawlings, acting President Pro Tem.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of Journal was dispensed with on motion of Senator Davis.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senate Resolution No. 77.

Senator Beck sent up the following resolution:

WHEREAS the Honorable W. R. Holsey, who served as a member of this body a quarter of a century ago, in company with several distinguished citizens of Rockwall County are without the door, and

WHEREAS the new Senator, Honorable Claude Isbell, from that district, is to take the oath of office this day;

THEREFORE, BE IT RESOLVED that the distinguished citizens of Rockwall who are without the door be extended the privileges of the floor of the Senate for this occasion.

BECK,
HORNSBY.

Read and adopted unanimously.

Oath of Office.

The Chair appointed Senators Small, Pace and Davis to escort Senator-Elect Isbell to the platform where the oath of office was duly administered by the Acting President Pro Tem., Senator Rawlings.

The Chair presented Senator Pace who presented Hon. Lannie Stimson, county treasurer of Rockwall County, who paid tribute to Senator Claude M. Isbell in behalf of the people of Rockwall County. Senator Rawlings then presented Senator Isbell and he addressed the Senate briefly.

Motion to Suspend Rule.

Senator Cotten moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.